United Nations A/63/669

General Assembly

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Sixty-third session
Agenda items 15, 30 and 38

The situation in the Middle East

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Identical letters dated 31 December 2008 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the General Assembly

I would like to inform you that the Permanent Mission of Israel to the United Nations distributed as holiday gifts to staff of the United Nations Secretariat wine made from grapes harvested, and bottles made, in the occupied Syrian Golan.

Upon instructions from my Government, I strongly condemn this provocative and irresponsible behaviour by the Permanent Mission of Israel. The action demonstrates contempt for international legitimacy at United Nations Headquarters. The winery where the wine bottles were produced was built by the Israelis in the occupied Syrian Golan in violation of both Security Council resolutions 465 (1980) and 497 (1981). In these resolutions, the Security Council called upon the Israeli occupying Power to take measures for the impartial protection of private and public land, property, and water resources. The resolutions further determine that all measures taken by Israel, the occupying Power, to change the physical character, demographic composition, institutional structures or status of the occupied Arab territories therefore have no legal validity.

Furthermore, this action is in clear violation of General Assembly resolution 63/201 entitled, "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".

09-20064 (E) 080109

In conformity with international law and United Nations resolutions, the Syrian Arab Republic requests the international community to assume its responsibilities in preventing Israel from continuing its violations, and to discontinue any behaviour that exploits, damages, causes loss or depletion of or endangers the natural resources in the occupied Syrian Golan.

I would appreciate it if you would request all United Nations staff to refrain from accepting these Israeli gifts produced illegally in occupied Syrian territory in violation of the aforementioned Security Council and General Assembly resolutions. In this regard, I would also kindly ask you to draw the attention of Member States to the gravity and seriousness of Israeli actions.

I would appreciate it if you would immediately circulate the present letter to all Member States as a document of the sixty-third session of the General Assembly under agenda items 15, 30 and 38.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations A/63/670

General Assembly

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5 January 2009

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Sixty-third session
Agenda item 3 (b)
Credentials of representatives to the sixty-third session of the General Assembly: report of the Credentials Committee

Letter dated 30 December 2008 from the Chargé d'affaires of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the General Assembly

I wish to bring to your attention, attached herewith, the explanation of vote after the vote (see annex) that my delegation intended to deliver at the 74th plenary meeting of the current session of the General Assembly that was held on 23 December 2008, on agenda item 3 (b) entitled "Report of the Credentials Committee" (A/63/633).

I should be grateful if you could have the present letter and its annex circulated as a document of the General Assembly, under agenda item 3 (b).

(*Signed*) Eshagh **Al Habib**
Ambassador
Chargé d'affaires

09-20083 (E) 080109

Annex to the letter dated 30 December 2008 from the Chargé d'affaires of the Islamic Republic of Iran to the United Nations addressed to the President of the General Assembly

Explanation of vote after the vote by the Islamic Republic of Iran, on 23 December 2008, at the 74th plenary meeting of the General Assembly, under agenda item 3 (b) entitled "Credentials of representatives to the sixty-third session of the General Assembly: report of the Credentials Committee" (A/63/633)

I wish to place on record at this august Assembly that my delegation joined the consensus on the report of the Credentials Committee and its resolution that was just adopted. However, our joining the consensus on the said documents should not be in any way construed as a recognition of the Israeli regime.

United Nations A/63/671

General Assembly

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6 January 2009
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Sixty-third session
Agenda item 23
Question of the Falkland Islands (Malvinas)

Letter dated 3 January 2009 from the Deputy Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the text of a press release issued today by the Government of the Argentine Republic on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland (see annex).

I should be grateful if you would arrange for this note and its annex to be circulated as a document of the General Assembly under agenda item 23.

(*Signed*) Diego **Limeres**
Minister
Deputy Permanent Representative

09-20112 (E) 080109 090109

Annex to the letter dated 3 January 2009 from the Deputy Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Press release

Buenos Aires
3 January 2009

On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there. The Argentine Republic immediately protested, and has never consented to that act of force.

Today, 176 years after that illegal occupation, which is still continuing, the Argentine Government reaffirms once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime and island areas, as an integral part of Argentine national territory.

The permanent and unrenounceable objective of recovering the full exercise of sovereignty over those territories and maritime areas in accordance with the principles of international law while respecting the way of life of the inhabitants of the Malvinas Islands is enshrined in the national Constitution. This objective is a State policy and reflects the collective desire of the people of the Argentine nation.

Argentina has reached provisional bilateral understandings with the United Kingdom, under the safeguarding of sovereignty formula, with a view to achieving cooperation on practical aspects in order to help create a climate favourable to the resumption of negotiations aimed at settling the dispute.

However, it has not been possible to achieve this objective because the United Kingdom continues to refuse to address the question of sovereignty and has repeatedly taken unilateral actions with regard to the area in dispute which not only violate the spirit and the letter of those understandings but are also contrary to the call by the United Nations to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the relevant resolutions.

As a result of those unilateral acts, the Argentine Government denounced the Joint Statement on hydrocarbons in March 2007 and the South Atlantic Fisheries Commission has not met again since December 2005.

More recently, the Government of the United Kingdom carried out another unilateral act whereby it claims to have adopted a new "constitution" for the Malvinas Islands; this is a new expression of disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization of the United Nations and another violation of the spirit of the above-mentioned understandings agreed under the safeguarding of sovereignty formula. The Government of Argentina delivered a strong protest against this new unilateral British action on 6 November 2008.

The Argentine Government believes that Argentina and the United Kingdom should jointly analyse all the bilateral understandings in the light of their ultimate goal, which is to contribute to a climate conducive to the resumption of negotiations on sovereignty. As long as the United Kingdom remains reluctant to do that, Argentina will feel compelled to carry out that analysis without the participation of its counterpart.

The Argentine Republic considers the British refusal to address the fundamental question in order to find a just, peaceful and lasting solution to the dispute over sovereignty, in accordance with the mandate of the international community, to be unjustified, and reiterates, once again, its continued willingness to resume the process of bilateral negotiations with the United Kingdom in order to find a definitive solution to the sovereignty dispute and settle this anachronistic colonial situation that is incompatible with developments in today's world.

United Nations A/63/672-S/2009/7

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Security Council

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General Assembly
Sixty-third session
Agenda items 15 and 16

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fourth year

Letter dated 5 January 2009 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

I have the honour to forward herewith the statement of Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, in connection with the Israeli aggression against Gaza (see annex).

I would appreciate it if the present letter and its annex were issued as a document of the General Assembly, under agenda items 15 and 16, and of the Security Council.

(*Signed*) Nassir Abdulaziz **Al-Nasser**
Ambassador
Permanent Representative

09-20223 (E) 080109 080109

Annex to the Letter dated 5 January 2009 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General

[Original: Arabic]

Speech of His Highness Sheikh Hamad bin Khalifa Al-Thani, Emir of the State of Qatar, to the Arab Umma regarding the Israeli aggression against the Gaza Strip

Sunday, 4 January 2009 — Doha

O citizens of the Arab Nation,

O Arabs in Palestine,

O steadfast people of the Gaza Strip,

May the Peace and the mercy and blessings of Allah be upon you.

In recent days, our noble people in the Gaza Strip has been subjected to a vicious aggression that does not discriminate among children, women and the elderly or between civilian and combatant. How can a plane that is bombing a camp teeming with tens of thousands of people distinguish among its victims? War launched with such weapons against such targets is nothing but a war crime as defined by international agreements, laws and norms.

Even without the other problems related to the Arab-Israeli conflict and the Palestinian problem, the horrors besetting the Gaza Strip today would make it incumbent on Arabs to call out to each other and to call on their leaders for action.

Every Arab boy and girl knows that the Gaza Strip has been suffering under three years of an oppressive blockade, extending even to food and medicine, for no other reason than that the Palestinian people has taken democracy seriously and made its own choices. We all know that Israel remains an occupying force in the West Bank and Gaza even after its unilateral withdrawal from the Strip, and that the "state of calm" has not stopped Israel from going ahead with assassinations and incursions and imposing its suffocating blockade on the Strip.

The blockade turned Gaza into a concentration camp. When that failed to break the will of the Palestinian people, along came the current military attack. This attack must stop. A ceasefire that stops the bloodshed, under terms that put an end to the blockade, must be agreed. The blockade is illegal and inhumane. Any attempt to justify or support it is illegal and immoral. How can support for an illegal blockade be justified legally?

As our defenceless people in the Gaza Strip face this aggression, they are writing a heroic chapter in the history of the Arab Nation with their blood. The horror of what is happening, the sheer scale of the oppression and the heinousness of the crime being committed all require us to act. And as we act, we must be aware that the blood of the martyrs is a sacred trust for us all because it has been spilt in defence of the homeland and in opposition to the blockade.

Qatar has chosen the path of a just peace and has paid a price for that choice in allegations and accusations. But we desire a just peace because it is in the interests of all parties, not just the Arabs. Such a peace would not be consistent with continuing settlement activity, the judaization of Jerusalem, the blockade, and attacks on civilians. I say to the Israeli leadership that military arrogance and the killing of innocent civilians will not bring about security, either for you or for us; rather, it will have catastrophic consequences. Did the planners of this war give any thought to the angry generations of Arabs and Palestinians who are growing up witnessing these events?

We must sacrifice everything that is precious and dear to us to help our brothers in Gaza. This is not a gift from us, but our debt to them, an obligation to all those who have sacrificed their lives. For such assistance to achieve the desired end, we must all cooperate to ensure that it goes directly to our people in the Strip in order to strengthen their resolve and resistance and boost their morale.

It should also be made clear that any political action should not be interpreted as rewarding aggression or allowing the aggressor to reap political gains from his crimes. Therefore, any ceasefire must provide for the lifting of the blockade and the opening of all border crossings. Anyone who merely calls for a mutual ceasefire is equating the criminal and victim, and justifying the aggression and the blockade.

We in Qatar have called for an emergency Arab summit to formulate a stance on the aggression against Gaza. Activity in the Arab streets and among many of the global forces for peace has shown that that is the least that is expected from us. We continue to believe that it is within our power to do something and that the issue is not the summit per se, but the will that we bring to the summit. If we can muster sufficient will, we will be able to take decisions that will have an impact on both the international community and Israel.

Some brothers have tried to go to the Security Council before holding a summit. But we have again seen that if we lack sufficient will, the international community will not listen to us. Before the international community listens to us, we must listen to our own Arab Nation.

We therefore renew our call for an emergency Arab summit. I leave that choice to the Arab leadership.

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Security Council

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Sixty-third session
Agenda items 15 and 16

The situation in the Middle East

Question of Palestine

Security Council
Sixty-fourth year

Letter dated 29 December 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

In my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, I have the honour to enclose herewith the statement by the Coordinating Bureau of the Non-Aligned Movement on Israel's military aggression against the Gaza Strip in the Occupied Palestinian Territory (see annex).

Furthermore, I kindly request that the present letter and its annex is circulated as a document of the sixty-third session of the General Assembly, under agenda items 15, "The situation in the Middle East", and 16, "Question of Palestine", as well as of the Security Council.

(*Signed*) Abelardo **Moreno Fernández**
Permanent Representative of Cuba to the United Nations
Chair of the Coordinating Bureau of the Non-Aligned Movement

09-20266 (E) 080109

Annex to the letter dated 29 December 2008 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement by the Coordinating Bureau of the Non-Aligned Movement on Israel's military aggression against the Gaza Strip in the Occupied Palestinian Territory

The Coordinating Bureau of the Non-Aligned Movement (NAM) strongly condemns the military aggression, including air strikes, carried out by Israel, the occupying Power, on the Gaza Strip, which has caused death and injuries to hundreds of civilians, including children, and destruction of Palestinian property and infrastructure.

This unacceptable military escalation by Israel constitutes a grave breach of international law, including humanitarian and human rights law, fuels the cycle of violence and threatens international peace and security as well as the fragile peace process between the two sides.

Such violent and illegal military actions and the continued collective punishment of the Palestinian people have deepened the suffering of innocent and defenceless Palestinians in the Gaza Strip, who are already greatly suffering from continued imposition of the crippling Israeli siege and the ensuing humanitarian crisis.

The Non-Aligned Movement demands that Israel immediately cease its military attacks and abide by all of its obligations under international law and relevant United Nations resolutions.

The Non-Aligned Movement calls upon the international community, especially the Security Council, to uphold international law and its responsibilities and to act urgently to address this grave situation.

The Non-Aligned Movement reaffirms its support for and solidarity with the Palestinian people.

New York, 29 December 2008

United Nations A/63/674

General Assembly

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Sixty-third session
Agenda item 58
Report of the Human Rights Council

Letter dated 12 November 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the statement made by the representative of the Russian Federation at the plenary meeting of the sixty-third session of the United Nations General Assembly under the agenda item entitled "Report of the Human Rights Council" (see annex).

I should be grateful if the text of this statement could be issued and circulated as a document of the sixty-third session of the General Assembly under agenda item 58.

(*Signed*) V. **Churkin**

09-20497 (E) 130109 140109

Annex to the letter dated 12 November 2008 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary General

Statement by the representative of the Russian Federation Mr. O. S. Malginov at the plenary meeting of the sixty-third session of the United Nations General Assembly on agenda item 58, "Report of the Human Rights Council"

4 November 2008

We wish to convey our gratitude to His Excellency Ambassador Martin Uhomoibhi, President of the Human Rights Council, for presenting his report on the work of the Council.

The creation of the Human Rights Council was an important stage in the ongoing reform of the United Nations. We are convinced that the transformation of the main intergovernmental human rights body of the United Nations system from a functional commission of the Economic and Social Council into a subsidiary body of the General Assembly was a significant step towards recognizing the importance of human rights issues and their rightful place among the Organization's priorities. We believe that, in the course of the upcoming review of the Council's activities, there will be a need to systematically assess the strengths and weaknesses of the Human Rights Council and its special procedures and mechanisms in order to adopt the necessary decisions on changing or clarifying the status, mandate, composition, agenda and programme of work of that body. It is very important that the process of analysing the early results of the Council's work should begin now, in the year of the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, when all of us are thinking about how to make the United Nations human rights mechanism more effective and responsive to the needs of all the peoples of the world and all individuals.

In our view, one of the most important functions that the Council is called upon to undertake in compliance with the provisions of resolution 60/251 is the universal periodic review of the human rights situation in States Members of the United Nations. Russia backed the creation of that procedure in the hope that such a review on an equal and mutually respectful basis would help to lessen confrontation in intergovernmental cooperation on human rights.

We are convinced that, in the future, the universal periodic review will have to fully replace the seriously discredited practice of introducing one-sided and politicized country-specific resolutions on human rights situations in individual States. At the same time, we reaffirm the need to comply strictly with existing intergovernmental agreements on modalities for conducting the review, including on the issue of including various categories of participants in the process.

One of the most important instruments through which the Human Rights Council discharges its mandate is the system of special procedures inherited by the Council from the Commission on Human Rights. Unfortunately, along with their clear benefits, the special procedures also possess a number of shortcomings that have been legitimately criticized.

In that respect, we note with satisfaction that, during the two years since the creation of the Human Rights Council, that system underwent a process of critical rethinking and institutional strengthening. An important outcome of that process was the bringing of the main human rights monitoring activities into line with the parameters of the Council's mandate. The functioning of human rights mechanisms is now evolving towards depoliticization. A guarantee of that was the adoption of the Code of Conduct for Special Procedures upon the initiative of Member States at the sixty-second session of the General Assembly. We cherish the hope that the further development of that system will continue in the same direction.

The development of the Human Rights Council's structure was accompanied by the establishment of new forms of relations between Governments and civil society, without which the Council would not be in a position to fulfil its potential. The Russian Federation hopes that the basis for the Council's interaction with human rights non-governmental organizations will be the principles of mutual responsibility and constructive dialogue.

The Russian Federation supports initiatives aimed at a more active participation of the Human Rights Council in reviewing the main areas of activity of the Office of the High Commissioner for Human Rights, including issues related to planning, implementing and rationalizing leading programmes at the global, regional and country levels. We are convinced that cooperation between the Council and the Office must be transparent and based on the principle of reciprocity.

With regard to better relations between the Council and the Office, we also believe that the same principles should be applied as those that were applied between the Office and the former Commission on Human Rights, including accountability. We base that opinion on the fact that the provisions of resolution 48/141, especially the section concerning the Commission's mandate, are by analogy applied to the mandate of the Council. More generally, the final objective of those efforts and cooperation must be to avoid duplication of efforts between all the components of the United Nations system in the field of human rights, which in turn should not compete with each other but complement each other.

The Vienna Declaration and Programme of Action reaffirmed the principle of the equality of all human rights and their interrelation, interdependence and mutual complementarity. In that respect, we would like once again to urge the Human Rights Council to devote equal attention in its activities to all categories of human rights, norms and standards. We are convinced that that principle must be fundamental in determining the priorities and programmes of work of the Council in the near and long-term future.

We believe that the Council should devote due attention to a number of other conceptual issues, including the inter-civilizational and intercultural element in the activities of the United Nations overall. We find it quite justifiable that the leading intergovernmental human rights body should address the issue of the relationship and impact of human rights, norms and standards on traditional values. We are convinced that universal standards in the field of human rights should draw their inspiration from various civilizations and the cultural and historical traditions of various societies. That is what unites us rather than divides us in our commitment to human rights, and we believe that a sound basis for such an approach was established by the Council's special session in March 2008.

The United Nations Human Rights Council is only at an early stage of its development. Whether it can meet the hopes placed in it depends largely on us, the Member States. A guarantee of success will lie in our readiness to listen to each other, to take into account and respect each other's views and to implement the decisions that we ourselves have adopted. We urge our fellow Member States and representatives of civil society to bear that in mind in order to turn the Human Rights Council into a genuinely effective and efficient body.